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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,304	06/13/2001	Benjamin M. Cahill III	INTL-0474-US (P10021)	6777
7590	07/02/2004		EXAMINER	
Timothy N. Trop TROP, PRUNER & HU, P.C. STE 100 8554 KATY FWY, HOUSTON, TX 77024-1805			DESIR, JEAN WICEL	
			ART UNIT	PAPER NUMBER
			2614	4
DATE MAILED: 07/02/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/881,304	CAHILL, BENJAMIN M.
	<b>Examiner</b>	<b>Art Unit</b>
	Jean W. Désir	2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-51 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,12,13,15,18,27,31,32,41 and 48 is/are rejected.
- 7) Claim(s) 3-11,14,16,17,19-26,28-30,33-40,42-47 and 49-51 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2,3</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 12, 13, 15, 18, 27, 31, 32, 41, 48 are rejected under 35 U.S.C. 102(b) as being anticipated by Tults et al (EP 0 180 450 A2).

#### **Claim 1:**

Tults discloses:

“determining a timing relationship between a video window and a capture raster, wherein the video window is within a display raster”, see page 5 lines 17-30, page 10 lines 22-26, see also page 1 lines 4-26;

“and adjusting a pixel clock to avert shear of the video window”, see page 5 lines 31-37, page 11 lines 8-15, see also page 3.

#### **Claim 2:**

“determining that the video window is within the timing of the capture raster” is inherent to Tults’ disclosure;

“and quickly moving image shear out of the video window”, see page 11 lines 8-15, see also page 3.

Claims 12, 13 are disclosed, Fig. 2A, Fig. 3 items 22, 34, 32.

Claim 15 is disclosed, see Fig. 1' items 140, 124, 122.

**Claim 18** is rejected for the same reasons as claim 1.

**Claim 27:**

Tults discloses:

"determining a timing relationship between a video window and a capture raster, wherein the video window is within a display raster", see page 5 lines 17-30, page 10 lines 22-26, see also page 1 lines 4-26;

"adjusting a pixel clock to avert shear of the video window; and adjusting the pixel clock to maintain a shear-free display of the video window", see page 5 lines 31-37, page 11 lines 8-15, see also page 3.

**Claim 31** is rejected for the same reasons as claim 1.

Claim 32 is rejected for the same reasons as claim 2.

**Claim 41** rejected for the same reasons as claim 18.

**Claim 48** is rejected for the same reasons as claim 27.

***Allowable Subject Matter***

3. Claims 3-11, 14, 16, 17, 19-26, 28-30, 33-40, 42-47, 49-51 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean W. Désir whose telephone number is (703) 308 9571. The examiner can normally be reached on 5/4/9 - First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (703) 305 4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JWD  
Jun. 23, 04

  
MICHAEL H. LEE  
PRIMARY EXAMINER